

Notice of Allowability

Application No.

09/935,548

Examiner

Edith M. Chang

Applicant(s)

OUVRY ET AL.

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2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Feb 28 2005.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ The drawings filed on 28 February 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Monaco on May 23, 2005.

2. The application has been amended as follows:

In the claims:

Claim 1, line 7: "said energy" has been changed to "said energy of the filtered signal"; ; line 9: "a number of" to "a channel number of"; lines 10 & 16: "symbols (mMOK)" and "symbols (mDP)" have been changed to "symbols" and "symbols; and" respectively; line 14: "said energy" to "said energy of the multiple correlation peaks"; and line 17: "the correlation peaks" to "multiple correlation peaks".

Claim 2, line 2: "DP-MOK" has been changed to "DP (Differential Phase)-MOK (M-Ary Orthogonal Keying)"; line 6, "this energy" to "the energy of the filtered signal"; line 7: "the weighted" to "a weighted"; line 8: "receiving the number of this" to "for receiving a channel number of the determined"; line 9: "in response restoring" and "symbols (mMOK)" have been changed to "restoring" and "symbols" respectively; lines 12, 15 & 19: "correlation" to "multiple

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correlation”; lines 13 & 17: “the said” to “the”; line 14: “symbols (mDP)” to “symbols”; line 16: “this average” to “the average energy”; and line 18: “the weighting” to “weighting”.

3. The following is an examiner’s statement of reasons for allowance:

The prior art of record fails to teach or suggest, alone or in a combination, among other things, at least a non-coherent receiver for a signal with spectrum spreading and DP-MOK mixed modulation and its process as a whole, the combination of elements and features, which includes the means of calculating the average energy of the correlation peaks produced by the DP demodulator of the selected weighted filtered signal with the highest energy, this average forming the weighting factor of the selected weighted filtered signal with the highest energy, and a decoder decoding the channel number of the highest energy determined by a channel selector for restoring first information symbols; and a means controlled by the channel selector to select the highest energy signal for a decoder to restoring second information symbols as recited in the claims.

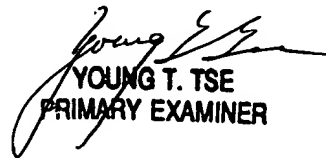
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edith M. Chang whose telephone number is 571-272-3041. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edith Chang
May 19, 2005


YOUNG T. TSE
PRIMARY EXAMINER